

### **REMARKS**

Claims 1-8 and 11-27, as amended, and new claims 28-29 are pending in this application. In this Response, Applicants have amended claim 1 to clarify that one embodiment of the present invention includes assigning a unique registration number to the golf equipment each time it is provided for authentication. If the golf equipment is provided two or more times, the unique registration numbers are preferably linked. Additionally, claims 9-10 have been cancelled, and dependent claims 28 and 29 have been added to recite additional subject matter.

In light of the Office Action, Applicants believe these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents. As no new matter has been added by the amendments herein, Applicants respectfully request entry of these amendments at this time.

### **THE REJECTIONS UNDER 35 U.S.C. § 112**

At page 2 of the Office Action, the Examiner rejected claims 1-27 under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Examiner rejected the recitation of the word “substantially” in claim 1 because it purportedly is not defined by the claim, and the specification does not provide a standard for ascertaining the requisite degree. In response, Applicants submit that the written description does indeed provide a skilled artisan with a standard for determining the meaning of the term “substantially” for at least the following reasons.

The term “substantially” is used in the context of describing the golf club that is being authenticated conforming to manufacturing standards, *i.e.*, “determining whether said features substantially conform to said manufacturing specifications.” Along these lines, the written description describes that the present invention determines whether the features substantially conform to the manufacturing specifications, taking into account such variables as age of the product, the specific materials used to form the product, and the amount of product used. Written Description at Page 5, lines 19-21. However, there may be “some deviation between the original manufacturing specifications and the features exhibited by the product at the time of examination.” *Id.* at page 5, line 21 – Page 6, line 1.

Elaborating, the written description delves into a detailed description of the varying categories of results of the examination that are possible. *Id.* at Page 6, line 1 – Page 7, line 17.

Viewed in light of the written description, Applicants submit that the detailed description of the manner in which a product can substantially conform to manufacturing specifications provides a skilled artisan with information that exceeds the amount necessary to ascertain the meaning of the term “substantially.” Thus, in light of the disclosure of the written description, Applicants submit that the Examiner’s § 112(2) rejection has been overcome. As such, reconsideration and withdrawal of the rejection is respectfully requested.

### **THE REJECTIONS UNDER 35 U.S.C. § 103**

At pages 3-5 of the Office Action, the Examiner rejected claims 1-10, 13, 15-16, 18-19, and 23-27 under 35 U.S.C. § 103(a) as being obvious over a webpage by Callaway that has a URL of <http://web.archive.org/web/20011020005809/www.callawaygolfpreowned.com/trade-rules.html> (“Callaway”). Claims 11-12, 14, and 17 were also rejected under § 103(a) as being obvious over Callaway in view of U.S. Publication No. 2004/0054888 to Chester (“Chester”). Applicants submit that the Examiner’s rejections have been overcome for at least the reasons that follow.

Callaway discloses a way to trade used golf clubs using a website. Callaway describes an “Certified Preowned” title that is given to golf clubs that pass meticulous inspection. A golfer can peruse the Callaway website to find pre-owned golf clubs that they would like to purchase. Callaway does not disclose a method that includes assigning unique identifiers to a golf club each time it is presented for authentication, as recited by amended claim 1 of the present invention. In addition, because Callaway discloses a way to sell pre-owned golf clubs, it does not account for, and would not have any reason to account for receiving a particular golf club more than once.

The Examiner also cites Chester, which generally relates to a method and system of authentication and ownership verification of collectables. Although Chester describes assigning a unique identifier to a piece of equipment, it also fails to account for a situation where a given piece of equipment is sent for authentication more than once. Moreover, Chester fails to teach or suggest linking unique registration numbers if a product is provided for authentication two or more times, as recited by amended claim 1.

In sum, Applicants have amended claim 1 to clarify that one embodiment of the present invention includes assigning a unique registration number to the golf equipment each time it is provided for authentication. Written Description at Page 6, lines 4-11. If the golf equipment is provided two or more times, the unique registration numbers are preferably linked. *Id.*

Additionally, Applicants have added new dependent claims 27 and 28. Dependent claim 27 recites that a website tracks the progress of the authentication. *Id.* at Page 10, lines 18-22. Moreover, dependent claim 28 recites that a different indicia is used for different equipment conditions. *Id.* at Page 8, lines 10-18. The different equipment conditions may include authentic and unmodified equipment, or authentic and modified equipment. *Id.* Callway and Chester neither teach nor suggest the features recited by claims 27 and 28.

In light of the amendments to the claims, Applicants submit that the Examiner's § 103 rejections have been overcome. Accordingly, Applicants further submit that claims 1-5 and 21-29 are in condition for allowance. As such, reconsideration and allowance of the pending claims is respectfully requested.


### **CONCLUSION**

All claims are believed to be in condition for allowance. If the Examiner believes that the present amendments and remarks still do not resolve all of the issues regarding patentability of the pending claims, Applicants invite the Examiner to contact the undersigned attorneys to discuss any remaining issues.

A Petition for Extension of Time is submitted herewith extending the time for response two months to and including June 30, 2008. No other fees are believed to be due at this time. Should any fee be required, however, please charge such fees to Deposit Account No. 50-4545, Order No. 5221-043-US01.

Respectfully submitted,  
Hanify & King, P.C.

Dated: June 27, 2008

By:   
Siddhesh V. Pandit, Registration No. 58,572  
Hanify & King, P.C.  
1875 K Street, NW  
Washington, D.C. 20006  
(202) 403-2104 Telephone  
(202) 429-4380 Facsimile